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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,444	12/13/2001	Klaus Maass	60,130-1304; 00MRA0192	2285

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EXAMINER

STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/023,444

Applicant(s)

MAASS ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4+5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 67 in figure 1 and 134, 136, 138, 164, 167, 169, 170, 171 and 173, in figure 7.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elongate portion being generally U shaped in cross section in claim 10 and the sealing surface of the plate in claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

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abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "the first upper, second upper . . . cable guides" on lines 6-7 are confusing since it is unclear how the cable can extend between the first upper and second upper cable guides and still form an X shaped configuration as shown in figure 2. On line 9, "a first further portion" is confusing since it is unclear if the first further portion includes the first portion set forth above or is in addition to the first portion set forth above. On lines 10-11, "one of the first upper . . . lower cable guides" is confusing since it is unclear how the first further portion can connect the first upper and second upper cable guides and still form an X shaped configuration as shown in figure 2. On line 11, the legal phraseology "means" should be avoided. Correction is required. See MPEP § 608.01(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the elongate portion being generally U shaped in cross section as set forth in claim 10.

The disclosure is objected to because of the following informalities: the description of figures 3 to 6 on page 3 should be rewritten to describe each figure individually. To avoid confusion, the applicant should avoid referring to the same element of the invention with different terminology. For example, the applicant should

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avoid referring to element 57 as "holes" in paragraph 25 and as "plate" in paragraph 26.

On line 2 of paragraph 31, it appears that "56" should be changed to --54--.

Appropriate correction is required.]

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the bare cable arrangement set forth in claim 1.

### ***Claim Objections***

Claims 10, 12, 14 and 15 are objected to because the recitations such as "X" should not be enclosed by quotations. With respect to claim 15, the recitation "dry" should not be enclosed in quotations or parentheses.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "the first upper, second upper, first lower and second lower cable guides" on line 8 of claim 1 render the claims indefinite because it is unclear how the cable path can extend between the first upper and second upper cable guides. See

figure 2 which shows the cable forming an X shaped pattern. Recitations such as “a first further portion” on line 11 of claim 1 render the claims indefinite because it is unclear if the first further portion is part of the first portion or is in addition to the first portion. Recitations such as “the first or second further portion of the cable path” on lines 2-3 of claim 6 render the claims indefinite because they lack antecedent basis. Recitations such as “the cable path includes a first drive portion” on lines 1-2 of claim 7 render the claims indefinite because it is unclear how a cable path can include a drive portion. Recitations such as “when considering an associated vehicle” on line 2 of claim 15 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as “boundary” on line 2 of claim 17 render the claims indefinite because it is unclear if the applicant is referring to the boundary set forth above or is attempting to set forth another boundary in addition to the one set forth above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Feige et al. Feige et al. discloses a window regulator assembly for assembly into a vehicle comprising a carrier 6 having a first 11 and second 11 guide rails in a spaced

generally parallel relationship, a first and second upper cable guides 27 being mounted on the carrier proximate the upper ends of the first and second guide rails respectively, and first and second lower cable guides 27 being mounted on the carrier proximate the lower ends of the first and second guide rails respectively with a cable path being defined between the first upper, second upper, first lower and second lower cable guides by a bare cable arrangement 26, the cable path having at least a first portion (not numbered, but seen in figure 3) connecting the first upper cable guide to the first lower cable guide, a second portion (not numbered, but seen in figure 3) connecting the second upper guide to the second lower cable, and a first further portion (not numbered, but seen in figure 3) connecting one of the first upper and lower cable guides to one of the second upper and lower cable guides, the bare cable arrangement being drivable in use by a drive means (not numbered, but seen at the end of the lead line for reference character 20 in figure 3), with a first 12 and second 12 cursor being connected to the bare cable arrangement so as to provide a double lift bare cable regulator assembly, the plastic panel of the assembly comprises the portions, includes mountings (not shown) for the speaker 23, the plate of the carrier includes a sealing surface (not numbered, but seen supporting the seal 37 in figure 3), a window glass 13, the vehicle door 1 includes a door inner panel (not numbered, but seen in figure 1) which includes a passage 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Publication No. 2,761,104 in view of Ishii et al. French Patent Publication No. 2,761,104 discloses a window regulator assembly for assembly into a vehicle comprising a carrier 3 having a first 5 and second 5 guide rails in a spaced generally parallel relationship, a first and second upper cable guides (not numbered, but shown in the figure as the pulleys at the upper ends of the first and second guide rails) being mounted on the carrier proximate the upper ends of the first and second guide rails respectively, and first and second lower cable guides (not numbered, but shown in the figure as the pulleys at the lower ends of the first and second guide rails) being mounted on the carrier proximate the lower ends of the first and second guide rails respectively with a cable path being defined between the first upper, second upper, first lower and second lower cable guides by a bare cable arrangement 6, the cable path having at least a first portion connecting the first upper cable guide to the first lower cable guide, a second portion connecting the second upper guide to the second lower cable, and a first further portion connecting one of the first upper and lower cable guides to one of the second upper and lower cable guides, the bare cable arrangement being drivable in use by a drive means (not shown). French Patent Publication No. 2,761,104 is silent concerning cursors.



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However, Ishii et al., in figure 2, discloses a window regulator assembly comprising a cursor 4 being connected to a cable arrangement 1 and a guide rail 5 having a generally U-shaped configuration.

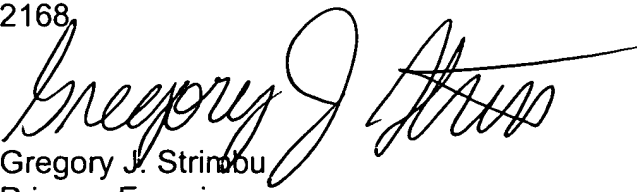
It would have been obvious to one of ordinary skill in the art to provide French Patent Publication No. 2,761,104 with guide rails and cursors, as taught by Ishii et al., to improve the sliding stability of the window pane as it is opened and closed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arquevaux et al. '652 and '808, Samways et al., Sakaguchi et al., Bertolini et al., Bostian et al., Dupuy, Szerdahelyi et al. and Marscholl are cited for disclosing a bare cable window lift mechanism. Saito and Dobson et al. are cited for disclosing a seal for a window regulator motor. Kirejczyk is cited for disclosing an X-shaped window regulator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

  
Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
September 17, 2003